AN ACT

TO MAKE FURTHER PROVISION REGARDING

THE PUBLIC HEALTH.

CHAPTER 42 (1886).

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Public Health Amendment Act, 1886.*" Short title.

2. The regulations mentioned in sections 3 and 4 of *The Public Health Act, 1884*, shall be deemed to include regulations for taking possession of any land or any unoccupied building thereon, by the authority of the Provincial Board of Health, Local Board, or Health Officers, for any of the purposes mentioned in sections 3, 4 or 44 of the said Act, but not to authorize the taking or obtaining for the hospital of any municipality any land or buildings outside the limits of such municipality. Power to take possession of land or unoccupied building.

3. In case of actual or apprehended emergency, such possession may be taken without a prior agreement with or consent of the owner of said land or building, and may be retained for such period as may appear to such authority as aforesaid to be necessary. Cases of emergency.

4. Written notice containing a reasonable description of the land shall within five days after the taking or obtaining possession thereof be given by the Board or Officer so taking or obtaining possession thereof to the Clerk of the Local Municipality wherein the land is situate; such notice shall be given whether possession is taken or obtained with or without the consent of the owner. Notice to municipal clerk.

Proceedings where owner not consenting party.

5. Where possession is taken without the consent of the owner, the Board or Health Officer by whom or under whose direction or authority possession is taken, shall within five days thereafter give notice thereof to the owner; such notice to be according to the form contained in the Schedule hereto annexed, or to the like effect. In the event of any owner not being known, or not being resident within the Province of Ontario, or of his residence therein being unknown to the Board or Health Officer giving the notice, such Board or Health Officer shall cause the notice to be published for two insertions in some local newspaper having a circulation within the municipality wherein the property is situate, and shall mail to the last known address (if any) of the owner a copy of the notice in a registered letter prepaid.

Compensation.

6. The owner of any land or building shall be entitled to compensation from the local municipality wherein the land or building is situate, for the use and occupation thereof, including any damage arising from such use and occupation, such compensation to be agreed upon between the Municipal Council of the Local Municipality and the owner; and in case they do not agree, the Judge of the County Court of the County wherein the property is situate, shall summarily determine the amount of the compensation, and the terms of payment, in such manner, and after giving such notices, if any, as he sees fit.

Order for possession.

7. Where any resistance or forcible opposition is offered or apprehended to possession being taken of any land or building under this Act, or under any regulation which may be made by virtue thereof, or of *The Public Health Act*, the Judge of the County Court may without notice to any person issue his warrant to the Sheriff of the County, or to any other person as he may deem most suitable, requiring him to put the Board or Health Officer, their or his servants or agents in possession, and to put down such resistance or opposition which the Sheriff or Bailiff (taking with him sufficient assistance) shall accordingly do.

No land or building to be near an inhabited dwelling.

8. No land or building to be used for the purposes of this Act shall be nearer than 150 yards to an inhabited dwelling.

Regulations confirmed.

9. All regulations heretofore made by the Provincial Board of Health, and approved by the Lieutenant-Governor in Council, and published in the *Ontario Gazette*, on the 5th of September, 1885, are hereby declared to have been within the authority given by the said Act in that behalf, and to have been valid regulations, and in force until and unless repealed or amended.

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10. All regulations hereafter made by the Provincial Board of Health are to be laid before the Legislative Assembly, if then in Session; and if not then in Session, at its first sitting after the making thereof, and within fourteen days after the commencement thereof. Regulations to be laid before Legislature.

SCHEDULE.

(*Section 5.*)

Public Health.

Take notice that by virtue of The Public Health Act, and the regulations made thereunder, possession has been taken, (*or* obtained, *as the case may be*) of the following land (*or* "building," *as the case may be*,) namely:

(*Reasonable Description*)

and further take notice that such land (*or* building) will be occupied and used for the purposes of the said Act and regulations from and after the date hereof, for a period of or such other time as may, in the discretion of the undersigned, be necessary.

Dated, etc.